IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.2870 OF 2005 .

Narayanm Ramchandra Khare ... Petitioner.
V/s.
M/s (Glaitlegar (India) Ltd. ... Respondents.

Shri Ravindra Nair for the petitioner.

Shri Rajesh Gehani for the respondents.

CORAM : V.C.DAGA, J.

DATED : 20.4.2006.

P.C. :

. Heard learned Counsel for the rival parties.

Perused petition.

2. Petitioner, who is an employee is challenging the action of the employer alleging that there is no re-location of industry but it is a closure.

3. The Industrial Court has gone into this issue. It has on appreciation of evidence held that the complainant has failed to establish that the industry was closed. Court below held no unfair labour practices on the part of the employer.

4. It will be relevant to note that during the pendency of the petition, the petitioner was directed to report at Aurangaba where the plant was re-located. He refused to report at transferred

place. He was, thus, proceeded departmentally. He, ultimately, after departmental action came to be dismissed. Complaint challenging order of dismissal also came to be dimissed for want of prosecution. Consequently, his dismissal has achieved finality. Petitioner alone is challenging re-location alleging closure. The challenge at the instance of the petitioner is out of malice. This is not a bonafide petition. In this view of the matter, this is not a fit case wherein this Court should intervene.

5. The view taken by the Court below is a reasonable and possible view. Petition is, thus, dismissed in limine with no order as to costs.

(V.C.DAGA,J.)